HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R.No.3163 of 1990
Date of decision : 21.02.2007

Jagat Singh **.....Petitioner**

versus

Lal Singh and another **.....Respondents**

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : None.

* * *

ORDER

HEMANT GUPTA, J.

The challenge in the present revision petition is to the order passed by the learned Executing Court dated 8.8.1990, whereby objections to the execution of a decree for permanent injunction were accepted and the execution was dismissed.

A suit filed by the plaintiff-petitioner for permanent injunction was decreed on 2.1.1984 whereby the defendants were restrained from interfering in the peaceful possession of the plaintiff over the suit property. On 11.3.1987, an application under Order 21 Rule 32 of the Civil Procedure Code was filed alleging that the judgment debtors are causing obstruction in the passage in dispute and prayed that the judgment debtors be detained in civil prison and their property be attached and sold in auction. The judgment debtors filed objections against the said application and alleged that such application is barred by principles of res judicata as contempt petition on similar allegations was withdrawn on 8.4.1987 after the issues were framed.

The learned Executing Court found that Shri R.G.Garg, Advocate was appointed as Local Commissioner who has submitted his report Exhibit OW2/2 finding that there was no obstruction as alleged by the decree holder. It was found that there is no cogent evidence on file to show the construction of any wall by the judgment debtors obstructing the passage of the decree holder.

In view of the aforesaid facts and circumstances, I do not find any illegality or irregularity in the order passed by the learned Executing Court, which may warrant interference of this Court in exercise of its revisional jurisdiction.

Dismissed.

(HEMANT GUPTA)
JUDGE

February 21, 2007
**mohinder*